## @ BELLSOUTH

BallSouth Telecommunications, Inc. 801 W. Cheatnut Street Room 607 Louisville, KY 40203 **Dorothy J. Chambers** General Counsel/Kentucky

602 582 8218 Fax 602 582 1673

Dorothy.Chembers@BellSouth.com

August 8, 2005

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

PECSIVED

AUG 0 8 2005

PUBLIC SERVICE COMMISSION

Re:

BellSouth Telecommunications, Inc.'s Notice of Intent to Disconnect Phone-Link,

Inc. for Non-Payment PSC 2005-00229

Dear Ms. O'Donnell:

Enclosed for filing in the above-referenced case are the original and ten (10) copies of BellSouth Telecommunications, Inc.'s Motion for Reconsideration.

Yours very truly,

Dorothy J. Chambers

**Enclosures** 

cc: Party of Record

596719

## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS	)	
INC.'S NOTICE OF INTENT TO DISCONNECT	)	CASE NO. 2005-00229
PHONE-LINK, INC. FOR NON-PAYMENT	)	

## BELLSOUTH TELECOMMUNICATIONS, INC.'S MOTION FOR RECONSIDERATION

BellSouth Telecommunications, Inc., ("BellSouth"), respectfully requests the Public Service Commission of the Commonwealth of Kentucky (the "Commission"), to reconsider its denial of BellSouth's confidentiality petition with respect to the information highlighted in the June 15, 2005, letter from Joan A. Coleman to Elizabeth O'Donnell and the May 18, 2005, from BellSouth to Phone-Link, Inc. filed June 15, 2005, pursuant to KRS 61.878(1)(c)1 and 61.878(1)(k). Specifically, the Commission found the highlighted information contained in the letters is not "valuable" to other carriers.

The information for which BellSouth seeks confidentiality is wholesale data specific to the CLEC, Phone-Link, Inc.<sup>1</sup> Specifically, the numbers reflect the amount that Phone-Link owes BellSouth for services rendered in the past to Phone-Link in Kentucky and the number of customers that Phone-Link has in Kentucky. Phone-Link is a wholesale customer of BellSouth and the information provided is classic customer proprietary network information ("CPNP").

BellSouth incorporates herein its Confidentiality Petition filed in this case on June 15, 2005, including, but not limited to, the discussion of federal law and CPNI ("the 222(a) obligation") discussed at 2 therein.

Section 222(c) of the Telecommunications Act provides that every telecommunications provider has an obligation to provide confidentiality to the network information of other carriers. While BellSouth filed the information with the Commission because BellSouth believed the information would be helpful to the Commission in considering the issues before it in this matter, this information is customer specific information to which those customers have an expectation of privacy. Indeed, the information provided to the Commission concerning specific customers is CPNI and should not be publicly disclosed without the approval of the individual customers. Disclosure of customer-specific information is subject to obligations under Section 222 of the Federal Law. Federal law imposes the obligation to maintain the confidentiality of such information ("the 222(a) obligation"). KRS 61.878(1)(k) specifically excludes from disclosure all public records or information "the disclosure of which is prohibited by federal law or regulation..." Accordingly, because this information is CPNI under Section 222 of the Federal Law, this information should be afforded proprietary treatment pursuant to the Kentucky Open Records Act. KRS 61.878(1)(k).

The material for which BellSouth seeks confidential treatment identified above also contains commercially valuable information. All of the information identified herein has potential value to other participants in the local exchange market, such as incumbent local exchange carriers (ILECs), competitive access providers (CAPs), facilities-based competitive local exchange carriers (CLECs), cable companies who have developed or are contemplating the development of wholesale or retail network products, and wireless providers. Public disclosure of the identified information would provide competitors with an unfair advantage.

The information provided to the Commission is proprietary. It is information provided to limited personnel within BellSouth and is not shared with the public on a CLEC-specific basis.

This Commission has been particularly sensitive to the need to maintain proprietary information as confidential. BellSouth asks the same consideration for the CLEC-specific information filed on June 15, 2005. Should the Commission deny BellSouth's request for confidential treatment, BellSouth needs to withdraw the information from the Commission's record in order to fulfill its obligations under the Telecommunications Act of 1996. 47 U.S.C. 222(c) of the Telecommunications Act.

Accordingly, for foregoing reasons as well as the reasons stated in BellSouth's Confidentiality Petition filed June 15, 2005, the Commission should reconsider its earlier decision in this matter and grant BellSouth's request for confidential treatment of the identified information based upon BellSouth's petition filed on that same date.

Respectfully submitted,

Dorothy J. Chambers

601 W. Chestnut Street, Room 407

P. O. Box 32410

Louisville, KY 40232

Telephone No.: (502) 582-8219

Robert A. Culpepper

Suite 4300, BellSouth Center

675 W. Peachtree St., N.E.

Atlanta, GA 30375

Tel. No. (404) 335-0841

COUNSEL FOR BELLSOUTH TELECOMMUNICATIONS, INC.

**508608** 

## CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was served on the following individual by mailing a copy thereof, this 8th day of August 2005.

Annette Lee Phone-Link, Inc. 1700 Eastpoint Parkway, Suite 270 Louisville, KY 40223

Dorothy J. Chambers